

## REMARKS

This response is being submitted to address certain remarks/questions raised in the Advisory Action in hopes that this will result in a Notice of Allowability and the avoidance of the need to continue in the appeal process.

In the subject application for patent, two embodiments of the invention are described. In a first embodiment, generally depicted in Fig. 1, a return to channel operation is described that includes detecting a start of a commercial by monitoring the received video and audio signals for a momentary absence of both picture and sound that typically results when the playing media is switched from one program source to another, the so-called “black frame.” Since this described embodiment monitors for a “black frame” in the playing media, this described embodiment performs a return to channel operation *with* regard to the current state of media being played by a media device. This described embodiment is not, however, the embodiment of the invention that is being claimed.

In a second embodiment, generally illustrated in Fig. 2, the return to channel operation is performed by a remote control alone. In this described embodiment, the remote control performs the return to channel operation by generally storing in memory a primary channel indicator, by starting a timer in response to a user action, and by transmitting to the media device a signal corresponding to the primary channel indicator when the timer achieves a predetermined time interval. This described embodiment allows the return to channel operation to be performed even when a media player fails to have the ability to detect/monitor for a “black frame,” i.e., this described embodiment, which receives no input from the media player as concerns the playing media, allows for the performance of a return to channel operation *without* regard to the state of the media playing of the media device. This described embodiment thereby has the advantage of

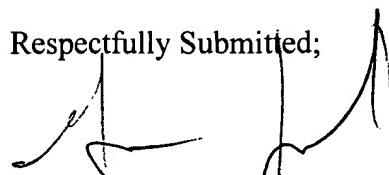
allowing any media system, even those having a media player incapable of monitoring/detecting for a “black frame,” to have return to channel functionality. It is this described embodiment of the invention that is the subject of the claims.

From the foregoing it will be appreciated that the claims find support in the specification and, more particularly, in the embodiment illustrated in Fig. 2 and described in the specification under the heading “remote control-based implementation.” Still further, it will be appreciated that the embodiment of the invention claimed, which provides return to channel functionality without detecting/monitoring for a “black frame,” is materially different than the system described in Lord which monitors for a “fingerprint signature” of media playing on a media device, i.e., a system that requires the monitoring of the state of the media playing on the media device. As such and for the reasons set forth in the previously filed responses (which are incorporated herein by reference for the sake of brevity) it is submitted that a *prima facie* case of obviousness has not been established and the rejection of the claims must be withdrawn.

#### CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

Respectfully Submitted;



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